

Message Text

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ACTION SS-25

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EXDIS

REF: MOSCOW 16830

E.O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJECT: TTBT/PNE NEGOTIATIONS: DRAFT PROTOCOL LEGAL ARTICLES
ROUND V - TTBT/PNE DELEGATION MESSAGE NO 14.

REF: MOSCOW 16830

1. SOVIET LAWYER, LAPTEV, PROVIDED TEXT OF REVISED PROTOCOL
LEGAL ARTICLES IN WG 1 MEETING NOVEMBER 26. COMMENTS ON
REVISION, WHICH CONTAINS SERIOUS DEFICIENCIES, CONTAINED
SEPTEL. WE WILL NEED WASHINGTON COMMENTS FOR FURTHER
MEETINGS TO DISCUSS LEGAL ARTICLES SCHEDULED FOR
DECEMBER 1, AND WOULD HOPE VIEWS CAN BE AVAILABLE HERE
NOVEMBER 30.

2. BEGIN TEXT:

ARTICLE

1. THE PARTY CARRYING OUT AN EXPLOSION SHALL HAVE SOLE
AND EXCLUSIVE CONTROL OVER THE CONDUCT OF EXPLOSIONS.

2. THE PARTY CARRYING OUT AN EXPLOSION SHALL BE EX-
EMPT FROM INDEMNIFYING FOR DAMAGE WHICH MAY BE CAUSED TO
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DESIGNATED PERSONNEL AS A RESULT OF HARM TO THEIR PROPERTY

OR LOSS OF THIS PROPERTY, INJURY OR DEATH, ARISING OUT OF
THE CONDUCT OF EXPLOSIONS.

ARTICLE

1. FROM THE MOMENT OF ENTERING THE TERRITORY OF
THE PARTY CARRYING OUT AN EXPLOSION DESIGNATED PERSONNEL
SHALL ENJOY:

A) PERSONAL INVIOABILITY. DESIGNATED PERSONNEL
SHALL NOT BE LIABLE TO ARREST OR DETENTION IN ANY FORM
WHATSOEVER. THE PARTY CARRYING OUT AN EXPLOSION SHALL
TAKE ALL APPROPRIATE STEPS TO PREVENT ANY ATTACK ON THE
PERSON OR FREEDOM OF DESIGNATED PERSONNEL;

B) IMMUNITY FROM THE CRIMINAL JURISDICTION OF THE
PARTY CARRYING OUT AN EXPLOSION. DESIGNATED PERSONNEL
SHALL ALSO ENJOY IMMUNITY FROM CIVIL AND ADMINISTRATIVE
JURISDICTION, EXCEPT IN CASE OF:

- AN ACTION RELATING TO ANY PROFESSIONAL OR
COMMERCIAL ACTIVITY EXERCISED BY THE PERSON IN THE TERRI-
TORY OF THE PARTY CARRYING OUT AN EXPLOSION OUTSIDE HIS
OFFICIAL FUNCTIONS;

- AN ACTION FOR DAMAGES ARISING OUT OF AN
ACCIDENT CAUSED BY A VEHICLE USED OUTSIDE THE OFFICIAL
FUNCTIONS OF DESIGNATED PERSONNEL.

DESIGNATED PERSONNEL ARE NOT OBLIGED TO GIVE
EVIDENCE AS A WITNESS;

C) THE INVIOABILITY OF THE ARCHIVES AND DOCU-
MENTS AT ALL TIMES AND WHEREVER THEY MAY BE;

D) THE EXEMPTION FROM ALL TAXES, CHARGES AND
DUTIES, PERSONAL OR REAL, NATIONAL, REGIONAL OR MUNICIPAL,
EXCEPT FOR INDIRECT TAXES OF A KIND WHICH ARE NORMALLY
INCORPORATED IN THE PRICE OF GOODS OR SERVICES AS WELL AS
FROM THE CHARGES LEVIED FOR SPECIFIC SERVICES REN-
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DERED;

E) THE INVIOABILITY OF OFFICIAL AND LIVING
QUARTERS.

DESIGNATED PERSONNAL SHALL, WITHOUT PREJUDICE TO
THEIR PRIVILEGES AND IMMUNITIES AND WITHOUT PREJUDICE TO
THEIR RIGHTS AND FUNCTIONS PROVIDED FOR BY THE TREATY

AND THIS PROTOCOL, BE UNDER AN OBLIGATION TO RESPECT THE
LAWS AND REGULATIONS OF THE PARTY CARRYING OUT AN
EXPLOSION.

ARTICLE

QBLICATION OF THE INFORMATION PROVIDED IN ACCORDANCE
WITH ARTICLE ... OF THIS PROTOCOL, OR PUBLICATIONS USING
SUCH INFORMATION AS WELL AS PUBLICATION OF THE RESULTS OF
OBSERVATION AND MEASUREMENTS OBTAINED BY DESIGNATED PER-
SONNEL MAY TAKE PLACE ONLY BY AGREEMENT WITH THE PARTY
CARRYING OUT AN EXPLOSION. DESIGNATED PERSONNEL SHALL NOT
HAVE THE RIGHT TO REQUEST INFORMATION OR TECHNOLOGICAL
FEATURES OF THE PROJECT. END TEXT.

STOESSEL

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